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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-05091(SMB)

Plaintiff,

v.

GUTMACHER ENTERPRISES, LP, a New York  
Limited Partnership,

THE ESTATE OF BARBARA GIRARD,

RICHARD WEINBERGER, in his capacities as  
personal representative of the Estate of Barbara  
Girard and co-trustee of the Barbara Girard  
Testamentary, Trust FBO Nicole Girard,

SEYMOUR ZISES, in his capacities as personal representative of the Estate of Barbara Girard and co-trustee of the Barbara Girard Testamentary Trust FBO Nicole Girard,

THE ESTATE OF ROSE GUTMACHER,  
GEORGE S. KAUFMAN, in his capacity as personal representative of the Estate of Rose Gutmacher,

THOMAS D. KEARNS, in his capacities as personal representative of the Estate of Rose Gutmacher and trustee for the Trust FBO Nicole Girard U/A/D/ 12/2/97,

THE TRUST FBO NICOLE GIRARD U/A/D  
12/2/97,

THE BARBARA GIRARD TESTAMENTARY  
TRUST FBO NICOLE GIRARD,

And

NICOLE GIRARD, individually and in her capacity as trustee for the Trust FBO Nicole Girard U/A/D/ 12/2/97,

Defendants.

**NOTICE OF MEDIATION REFERRAL**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”) [Dkt. No. 2], the

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<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, the Trustee and Defendants may jointly agree to enter mediation prior to or upon completion of discovery without further court order. Avoidance Procedures, ¶ 5A.

Through this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) hereby mutually agree to enter mediation. Pursuant to the Avoidance Procedures, the Response Due Date shall be deferred while the mediation is pending. Avoidance Procedures, ¶ 2E.

Pursuant to the Avoidance Procedures, the Parties agree that within 14 calendar days after the filing of this Notice of Mediation Referral, the Parties shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order.

Dated: February 27, 2015

Respectfully submitted,

Of Counsel:

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*/s/ Nicholas J. Cremona*

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